HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.19247 of 1994

Between:

Md. Abdul Lateef. … Petitioner.

and

Bharat Dynamics Limited,
(A Government of India undertaking)
represented by its General Manager,
Bhanur, Medak District.
… Respondents

: O R D E R :

Counsel for the Petitioner : Sri G. Vidyasagar.

Counsel for respondents : Ms. Uma Devi
for Sri K. Sinivasamurty.

Dated: 29th August, 2006

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This petition is directed against order dated 17.10.1994 passed by General Manager (B/U), Bharat Dynamics Limited, Bhanur, Medak District whereby the petitioner was placed under suspension.

A perusal of the record shows that while the petitioner was serving as Junior Technician in the employment of Bharat Dynamics Limited, he was arrayed as an accused in Crime No.32 of 1994, registered at Police Station, Dabeerpura, Hyderabad for offence punishable under Section 302 I.P.C. Later on, he was charged with an offence punishable under Section 304-B I.P.C. By an order dated 13.5.1994, the competent authority placed him under suspension. His suspension was revoked vide order dated 17.6.1994, but after a period of four months, he was again placed under suspension, apparently because of pendency of the criminal case in the Court of Additional Metropolitan Sessions Judge, Hyderabad.

The petitioner has questioned the second order of suspension mainly on the ground that in terms of Clause 29 of the Standing Orders of the Company, the concerned authority could not have suspended him twice over on the basis of the same allegation. He has also invoked the doctrine of double jeopardy for invalidation of his suspension.

While issuing rule nisi on 27.10.1994, the learned Single Judge stayed the operation of the order impugned in the writ petition. That order has remained operative till today.

Sri G. Vidyasagar, learned counsel for the petitioner says that during the pendency of the writ petition, his client was acquitted in the criminal case and no appeal has been filed against the judgment of acquittal.

Ms. Uma Devi, learned counsel for the respondent says that she is not in a position to controvert the statement of Sri G. Vidyasagar.

In my view, the writ petition is liable to be disposed of as infructuous because the order impugned in the writ petition could not be

given effect to by the respondent on account of stay order passed by the Court and as on today, the cause for the petitioner's suspension does not survive. Ordered accordingly.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.23631 of 1994 filed for interim relief and W.V.M.P.No.2880 of 1994 filed for vacation of interim order are also disposed of as infructuous.

G.S. SINGHVI, CJ

29th August, 2006.

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